

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
DANVILLE DIVISION

JERRY A. FOSTER, JR.,	)	Case No. 4:08-CV-00028
	)	
Plaintiff,	)	
	)	
v.	)	<b>ORDER</b>
	)	
COMMISSIONER OF SSA,	)	
	)	
	)	By: Jackson L. Kiser
	)	Senior United States District Judge
Defendant.	)	

Before me is the *Report and Recommendation* of the United States Magistrate Judge recommending an Order be entered GRANTING the Commissioner's Motion for Summary Judgment, AFFIRMING the Commissioner's final decision, and DISMISSING this case from the docket of the court. This *Report* was filed on August 31, 2009, from which the parties had ten (10) days to file objections. No objections were filed. Accordingly, it is this day **ADJUDGED** and **ORDERED** that the *Report and Recommendation* shall be, and hereby is, **ADOPTED** in its entirety. The Defendant's Motion for Summary Judgment is **GRANTED**, the Defendant's final judgment is **AFFIRMED**, and the Clerk is directed to **DISMISS** this case from the docket.

The Clerk is directed to send a copy of this *Order* to counsel as well as to Magistrate Judge Crigler.

ENTERED this 17<sup>th</sup> day of September, 2009.

s/Jackson L. Kiser  
Senior United States District Judge